

REMARKS

Claims 24-28 are pending in the instant application with claims 24, 25, and 28 amended herein. No new matter is added by this amendment. In view of the amendments and the following remarks, reconsideration and allowance of the instant application are respectfully requested. The Examiner is thanked for agreeing to and conducting an interview with the undersigned on October 2, 2007.

In the office action, claims 24-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,810,528 to Chatani et al. (hereinafter referred to as Chatani). Applicants respectfully traverse. Claims 25, 25, and 28 have been amended herein to clarify the distinctions of the present invention over the cited prior art reference.

As has been discussed with the Examiner, two office actions dated the same date were received by the undersigned and while the rejections included therein were the same the “Response to Arguments” portion differed. Two points from this response require further consideration specifically, the Examiner’s contention that “flag information and character expressions are just data,” and that “the use of ‘movement’ data is just a label.”

These assertions are strongly opposed by the undersigned and by the applicants and it is believed that such assertions cannot for the basis of a rejection under 35 U.S.C. § 102. Each type of data recited in the claims is not identical to every other type of data, indeed, movement data, flag information, and character information are each defined in the specification and those definitions clearly distinguish these three types of data from the data described in Chatani. To simply equate one type of data with every other type of data in this manner is improper, not least because such an equating of these data would read terms out of the claims, something that examiners are expressly forbidden from doing.

Regardless, as discussed during the interview, it appears that there was some confusion as to the recited purpose of the presently claimed invention. In an effort to clarify this issue the independent claims have been amended. As amended the claims recite a user operated computer which has means for processing movement data files stored on the computer. Each movement data files includes movement data. The movement data correspond to flag information.

The computer also includes means for receiving a performance information file. This performance information file includes flag information and sequence information. By using the flag information, the movements of a performance can be selected from the movement data file and then placed in a desired order based on the sequence information to compose a performance that can then be displayed. As such the movement data is never transmitted from the server to the computer, only the performance information file. As described in the specification, this results in a tremendous savings in terms of bandwidth and time necessary to transmit a completed program to a user/viewer. Particularly because the movement data includes image and audio data that can be very large.

In contrast, the relied upon portions of Chatani relates to on-line gaming wherein a user's operations are transmitted to a server, the server processes the information and then game information is returned to the user. That is the server transmits a completed game update to the users' consoles. That is in terms of the present invention Chatani would transmit to the user audio data and image data all finally sequenced for viewing by the user. This is due in large part because to effectively perform on-line gaming, where two players are geographically disparate, the complete data set for the changing image based on the inputs of two or more users must be processed and returned to them simultaneously. All of the processing in Chatani is performed by the gaming server to produce the game update. This is completely unlike the instant claims,

where only the performance information file is transmitted from the server to the user, and the movements and sequence are put together by the user device.

Accordingly, it is submitted that independent claims 24, 25, and 28 patentably distinguish over the relied upon portions of Chatani and are allowable. Claims 26 and 27 which depend from one of these base claims is allowable therewith.

Conclusion

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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Docket No.: SCEI 18.798 (100809-00083)